

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

DANIEL B. GRAVES, Plaintiff, v. DEUTSCHE BANK SECURITIES, INC., Defendant.	CIVIL ACTION NO. 1:07-cv-05471-BSJ-KNF (Electronically Filed)
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**PLAINTIFF'S NOTICE OF MOTION AND CONSENTED
MOTION FOR LEAVE TO SUBSTITUTE THE
ACCOMPANYING REVISED PROPOSED SECOND
AMENDED AND SUPPLEMENTAL COMPLAINT AND
ATTACHMENTS FOR THE EXISTING PROPOSED
SECOND AMENDED AND SUPPLEMENTAL COMPLAINT
AND ATTACHMENTS, *NUNC PRO TUNC*, AS
ATTACHMENTS TO PLAINTIFF'S MOTION FOR LEAVE
TO FILE HIS SECOND AMENDED AND SUPPLEMENTAL
COMPLAINT, AND TO THE SEYMOUR DECLARATION
IN SUPPORT OF PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION FOR SANCTIONS**

PLEASE TAKE NOTICE that plaintiff is moving the Court for leave to substitute the accompanying Revised Proposed Second Amended and Supplemental Complaint and attachments for the existing Proposed Second Amended and Supplemental Complaint and attachments, *nunc pro tunc*, as attachments to Plaintiff's June 16, 2008, Motion for Leave to File His Proposed Second Amended and Supplemental Complaint (Doc. # 29, Exhibit A), and to the Seymour Declaration in support of Plaintiff's June 16, 2008, Opposition to Defendant's Motion for Sanctions (Doc. # 33, Exhibit 1, mislabeled as Errata 1).

The substitution cures typographical and other errors in the original Proposed Second Amended and Supplemental Complaint, adds a paragraph 14(d), and has two additional attachments.

Defendant has authorized plaintiff to state that it does not object to the grant of this Motion, on condition that it involves a simple substitution not requiring further briefing as to either the Motion to Amend or Motion for Sanctions.

This Motion is supported by the annexed Declaration of Counsel and its attachments, and by the accompanying Memorandum of Law. A proposed form of Order is submitted herewith.

Respectfully submitted,

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By: /s/ Richard T. Seymour
Richard T. Seymour (RS 8094)
Attorneys for Plaintiff

Dated: August 4, 2008

Certificate of Service

I certify that I have, this 4th day of August, 2008, caused a true and correct copy of Plaintiff's Notice of Motion and Consented Motion for Leave to Substitute the Accompanying Revised Proposed Second Amended and Supplemental Complaint and Attachments for the Existing Proposed Second Amended and Supplemental Complaint and Attachments, Nunc Pro Tunc, as Attachments to the Seymour Declarations in Support of Plaintiff's Motion for Leave to File His Second Amended and Supplemental Complaint, and in Support of Plaintiff's Opposition to Defendant's Motion for Sanctions, the annexed Declaration of Richard T. Seymour with attachments the accompanying Memorandum of Law in support thereof, and the proposed Order, on counsel for defendants by electronic service through the Court's ECF system, addressed to defendants as follows:

Cliff Fonstein, Esq.
Joanne Seltzer, Esq.
Sidley Austin LLP
787 Seventh Avenue
New York, NY 10019

/s/ Richard T. Seymour
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